

a separate paper. Attached to the present response is an Information Disclosure Statement citing the discussed references.

The specification has been amended by the present response to include suggested headings. The changes made to the specification are not believed to raise any issues of new matter.

Claims 6-17 are pending in this application. Original claims 1-5 are canceled by the present response and new claims 6-17 are added by the present response. Claims 3-5 were objected to under 37 C.F.R. § 1.75(c) as in improper form for multiple dependent claims. Claims 1 and 2 were rejected under 35 U.S.C. § 112, second paragraph. Claim 1 was rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,164,209 to Best et al. (herein "Best"). Claim 1 was rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 4,154,012 to Miller in view of U.S. patent 5,225,628 to Heiny. Claim 2 was rejected under 35 U.S.C. § 103(a) as unpatentable over Miller and Heiny as applied to claim 1, and further in view of U.S. patent 4,098,193 to Schroeder.

Addressing first the rejection of original claims 3-5 under 37 C.F.R. § 1.75(c), that objection is traversed by the present response. Specifically, claims 3-5 are canceled by the present response and none of new claims 6-17 are multiple dependent claims.

Addressing now the rejection of original claims 1 and 2 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response. Original claims 1 and 2 are canceled and new claims 6-17 do not recite the language found indefinite in original claims 1 and 2. Each of the new claims is believed to be in full compliance with all requirements under 35 U.S.C. § 112, second paragraph.

Addressing now the rejection of original claim 1 under 35 U.S.C. § 102(e) as anticipated by Best, that rejection is traversed by the present response.

New claims 6-17 have been written to clearly recite features of the present invention.

Claim 6 is directed to a non-killing cartridge to be fired with a firearm and packed in a shell. The cartridge includes a plurality of cloth shot bags connected to each other.

Further, metal shots are provided in each of the plurality of cloth shot bags. With such a structure in the claimed invention a cartridge that can provide an appropriate force when discharged from a firearm, but which can still be non-lethal, can be realized.

With reference to Figure 1 in the present specification as a non-limiting example, the non-killing cartridge includes a plurality of cloth shot bags 2 and 3 connected to each other. Further, each of the plurality of cloth shot bags 2, 3 is filled with metal shots. Figure 2 shows a further embodiment in which a plurality of cloth shot bags 5 filled with metal shots are connected by a banded strip 4. Figures 3-5 show further embodiments of the present invention.

Such a structure as recited in new independent claim 6, and the claims dependent therefrom, clearly distinguishes over the teachings in Best.

The outstanding rejection relies upon Best disclosing a plurality of solid particles 195 encased in a flexible cover or casing 196. However, that structure in Best clearly differs from the claimed invention in which a plurality of cloth shot bags are connected to each other, and each of the plurality of cloth shot bags is filled with metal shots. In such ways, new independent claim 6, and the claims dependent therefrom, clearly distinguish over the teachings in Best.

Addressing now the rejection of original claim 1 under 35 U.S.C. § 103(a) as unpatentable over Miller in view of Heiny, and the further rejection of original claim 2 further in view of Schroeder, those rejections are also traversed by the present response.

Neither of the cited references to Miller nor Heiny disclose or suggest the claim 6 features of a "plurality of cloth shot bags connected to each other" and "metal shots provided in each of the plurality of cloth shot bags".

It is also noted that the outstanding rejection appears to improperly combine the teachings of Miller and Heiny. More specifically, the outstanding rejection cites the teachings in Miller of utilizing cloth bags filled with shot. Heiny is not related to any similar type of device but instead discloses pellets made of wax. There is simply no reason or incentive to one of ordinary skill in the art to combine such teachings as they are unrelated approaches to non-lethal projectiles. Further, even if such teachings were combined the claimed devices in which "a plurality of cloth shot bags *connected to each other*" (emphasis added) and each filled with metal shots would not be realized.

In such ways, no combination of teachings of Miller and Heiny meets the limitations of new independent claim 6, and the claims dependent therefrom.

Moreover, no further teachings in Schroeder can overcome the above-noted deficiencies of Miller and Heiny.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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IN THE SPECIFICATION

Page 1, between the title on line 1 and prenumbered line 3, please insert:

BACKGROUND OF THE INVENTION

FIELD OF THE INVENTION

Page 1, after the paragraph ending at line 5 and before the paragraph beginning at line 6, please insert:

DISCUSSION OF THE BACKGROUND

Page 2, before the paragraph beginning at line 1, please insert:

SUMMARY OF THE INVENTION

Page 2, after the paragraph ending at line 11 and before the paragraph beginning at line 12, please insert:

BRIEF DESCRIPTION OF THE DRAWINGS

Page 2, after the paragraph ending at line 21 and before the paragraph beginning at line 22, please insert:

DESCRIPTION OF THE PREFERRED EMBODIMENTS

IN THE CLAIMS

--Claims 1-5 (Canceled).

Claims 6-15 (New).--